Eastern Scotian Shelf Integrated Management Initiative: Proposed Collaborative Planning Model

A Discussion Paper

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LIST OF ABBREVIATIONS

AOI	Area of Interest
CMA	Coastal Management Area
CMAC	Canadian Marine Advisory Council
DFO	Fisheries and Oceans Canada
ESSIM	Eastern Scotian Shelf Integrated Management
IM	Integrated Management
LOMA	Large Ocean Management Area
MPA	Marine Protected Area
OCMD	Ocean and Coastal Management Division (of DFO)
RCOM	Regional Committee on Ocean Management
SRT	Stakeholder Roundtable

FOREWORD

This discussion paper was prepared by BLSmith Groupwork Inc., in collaboration with DFO's ESSIM Planning Office and the Federal-Provincial ESSIM Working Group. Earlier drafts of the proposed ESSIM Collaborative Planning Model were reviewed at three meetings of the Federal-Provincial ESSIM Working Group in 2004. The proposed model draws upon earlier ESSIM-related discussions and material distributed in November 2001 by DFO's Oceans and Coastal Management Division (OCMD), e.g., *The Eastern Scotian Shelf Integrated Management Initiative: Development of a Collaborative Management and Planning Process*, a discussion paper prepared for the Federal-Provincial ESSIM Working Group, available online: http://www.dfo-mpo.gc.ca/Library/266393.pdf.

The purpose of this discussion paper is to outline the proposed Collaborative Planning Model for the ESSIM Initiative. This topic has been put forward for discussion with ESSIM stakeholders on several occasions over the last three years. While there have been some general points of agreement, no consensus has been achieved to date. The 3rd ESSIM Forum Workshop in February 2005 will be an opportunity for more in-depth discussion on the elements of the proposed Collaborative Planning Model and on the formation of a multi-stakeholder advisory body – the ESSIM Stakeholder Roundtable.

Feedback on the discussion paper and the proposed elements of the Collaborative Planning Model should be submitted to the ESSIM Planning Office at OCMD. Extra copies of the *Eastern Scotian Shelf Integrated Management Initiative: Proposed Collaborative Planning Model – A Discussion Paper* are also available from the ESSIM Planning Office.

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EXECUTIVE SUMMARY

The Eastern Scotian Shelf Integrated Management (ESSIM) Initiative is a collaborative planning process led by the Oceans and Coastal Management Division (OCMD), Fisheries and Oceans Canada (DFO), Maritimes Region. The purpose of this paper is to outline a proposed Collaborative Planning model for the ESSIM Initiative.

The ESSIM Initiative is guided by the *Oceans Act*, and two supporting documents: *Canada's Oceans Strategy*, and DFO's *Policy and Operational Framework for Integrated Management*. Integrated Management planning will be supported by an institutional framework for collaboration within and among all levels of government. This is essential because the IM planning process will not limit or interfere with the legal authority of the participating decision-makers. Regulatory authorities will remain responsible and accountable for implementation within their jurisdictions.

The proposed Collaborative Planning Model has three major components: the ESSIM Forum, a Stakeholder Roundtable (SRT), and a Planning Office. The ESSIM Forum is the collective body of all stakeholders. It is a forum for information exchange and feedback, and provides the overall vision and principles for the Initiative.

The ESSIM Stakeholder Roundtable will work with the Planning Office to provide leadership and coordination for the Initiative. It will have approximately 26 members who are representative of ESSIM sectors and stakeholders. It will meet four times per year to review progress on plan development and/or implementation.

The proposed Stakeholder Roundtable will have representation from the following sectors: government, fisheries, marine conservation, oil and gas, academia, coastal communities, transportation, telecommunications, and tourism. Citizens at large may be appointed as members. First Nations may participate in government and other sectors.

Selection of representatives is proposed through sector coalitions or caucuses. Sectors will be asked to meet as a caucus and discuss their representation on the Stakeholder Roundtable. The sector will jointly put forward the name of the organization or individual who will represent the sector. Large or complex sectors will have more than one representative.

Proposed criteria that can guide the selection of organizational or individual representatives include: sector/interest; location; degree of involvement; representation; internal communication; commitment; respect; demonstrated capacity and knowledge; legal factors; and history.

Leadership and coordination for development and implementation of the ESSIM Plan are provided by the Planning Office, which is housed within OCMD of DFO Maritimes Region. It provides expertise in plan development, support for the ESSIM Forum and Stakeholder Roundtable, and will provide support to the government sector, and others as requested. The Planning Office is responsible to have mechanisms in place to ensure that all stakeholders have the ability to participate in the ESSIM Initiative.

For the model to be effective, sector and stakeholder representation must be inclusive and representative. Parallel sector structures will promote information exchange and alignment of interests.

The government sector structure is critical because of the need for a number of jurisdictions, departments and agencies to align their mandates and bring into the discussion their legislation, regulation, policies, programs and guidelines.

The Federal-Provincial ESSIM Working Group has been active since 2001. Its purpose is to focus on policy, management, operations and regulatory coordination for the ESSIM area. The Working Group is expected to build support and cohesion for the Initiative.

The Regional Committee on Ocean Management has not yet been established. It will serve as the senior executive forum for federal and provincial departments with ocean-related program activities. It will coordinate decision making at the intergovernmental/interdepartmental level on planning, management and regulatory matters for integrated management and planning processes within the Maritimes Region.

A number of principles have been identified to support the Collaborative Planning Model. These include: jurisdiction, inclusion, consensus, accountability, dispute resolution, network, evolution, and learn by doing. Several challenges relating to the ESSIM Collaborative Planning Model remain to be considered.

During late 2004 and through 2005 the draft plan will be discussed at community workshops, the 3rd ESSIM Forum Workshop and the Stakeholder Roundtable, and will be reviewed by stakeholders and the public and revised as necessary. In the fall of 2005 it will be presented for stakeholder acceptance and sent for endorsement by decision-making authorities. Approval under the *Oceans Act* is anticipated in February 2006.

INTRODUCTION AND BACKGROUND

The Eastern Scotian Shelf Integrated Management (ESSIM) Initiative is a collaborative planning process led by the Oceans and Coastal Management Division, Fisheries and Oceans Canada (DFO), Maritimes Region. The ESSIM Initiative commenced in 1998 and followed the Sable Gully Conservation Strategy's recommendation that integrated management approaches be applied to the offshore area around the Sable Gully Area of Interest (AOI) under DFO's Marine Protected Areas Program.

Initially ESSIM was announced as Canada's first integrated ocean management pilot with an offshore focus under the 1997 Oceans Act. The inclusion of coastal areas was discussed in DFO's *Policy and Operational Framework for Integrated Management*. With the evolution of the ESSIM Plan and planning process over time, coastal issues will be managed through the development of separate plans for Coastal Management Areas (CMAs), such as the Bras d'Or Lakes, nested within the broader ESSIM area plan. *Canada's Oceans Strategy* and DFO's *Policy and Operational Framework for Integrated Management* provide a national structure and guidance for the development of regional ocean management and planning processes such as the ESSIM Initiative.

Canada's Oceans Strategy describes three specific areas of activity that comprise oceans governance. The first is institutional arrangements within and among levels of government for coordinated and collaborative decision making. The second is planning for Integrated Management (IM) – the purpose of the ESSIM Initiative. IM planning is described as the "cornerstone" of ocean governance. Promotion of stewardship and public awareness is the third area of activity. This encourages public responsibility and includes public and stakeholder involvement in Integrated Management planning processes, such as ESSIM.

The *Policy and Operational Framework for Integrated Management* also raises the topic of ocean governance, and describes in much greater detail the recommended process for Integrated Management planning. The IM Framework indicates that a fundamental objective of Integrated Management planning is to ensure that the people most affected by decisions have an opportunity to participate in the decision-making process. It further suggests collaboration as the governance model for Integrated Management.

In the IM Framework, collaborative management is described as a process through which " ... those with the authority to make a decision, and those who are interested or affected by that decision, will jointly seek an outcome that meets the interests of all concerned." (page 14)

The Policy and Operational Framework for Integrated Management also clearly indicates that the process is not intended to change or interfere with current legislative and regulatory mandates. The Framework states that: "... [the IM planning process] will not infringe on the legal authority of the participating decision makers, administrative and legal jurisdictions will be respected, and existing regulatory authorities will remain responsible and politically accountable for implementation within their jurisdictions." (page 14)

During the 1st ESSIM Forum Workshop in 2002 some participants expressed the view that the responsibility for decision making should rest with a multi-stakeholder body. It was explained to the workshop plenary that the ESSIM process did not envision transfer of decision-making authority from responsible government departments, agencies and boards. Rather, the initiative would use multi-stakeholder processes to engage in collaborative planning, with final acceptance and implementation resting with the heads of government departments, agencies

and boards with legislative authority and mandates within the ESSIM area. This has been accepted as an effective and practical approach for the ESSIM Initiative.

The purpose of this discussion paper is to outline a proposed collaborative planning model for the ESSIM Initiative. Over the past three years this topic has been put forward for discussion on several occasions, however, while there have been some general points of agreement, no consensus was reached.

This discussion paper is being circulated to ESSIM stakeholders for comment, and its contents will later be incorporated into the draft IM plan. The process for review, revision and completion of the plan is outlined in the final section of this paper.

OVERVIEW OF THE PROPOSED ESSIM COLLABORATIVE PLANNING MODEL AND GOVERNMENT SECTOR STRUCTURE

The proposed ESSIM Collaborative Planning Model has the following components:

- ESSIM Forum
- ESSIM Stakeholder Roundtable
- ESSIM Planning Office

The Government Sector Structure has two components:

- Federal-Provincial ESSIM Working Group
- Regional Committee on Ocean Management (RCOM)

In a parallel stream the ESSIM model will involve sectoral structures that promote information exchange and alignment of interests. This paper describes both the overall ESSIM Collaborative Planning Model and the related ESSIM Government Sector structure. Structures for other sectors remain to be described or developed.

ESSIM Collaborative Planning Model

The ESSIM Forum is the collective of all organizations, groups and individuals who are stakeholders, i.e., they may be impacted by, have the ability to impact, or have an interest in the ESSIM Initiative. It is not anticipated that there will be any limit on the size of the Forum. Annual (or semiannual) workshops are held to punctuate work stages and get broad input or feedback. Between meetings the forum is kept current through a newsletter and online discussions.

Leadership for the process and the actual work of developing the plan is provided jointly by the proposed **ESSIM Stakeholder Roundtable** (SRT or Roundtable) and the ESSIM Planning Office. The Roundtable is broadly representative of ESSIM sectors and stakeholders. It is not anticipated that its size would increase beyond 26 ($\pm$ 2) members without taking some steps to aggregate interests or use some other means to enable participation while maintaining a reasonable working size. The Roundtable will remain flexible to link with stand-alone ESSIM initiatives such as the Corals Working Group, or the Gully MPA Advisory Committee. Sub-groups may be struck as needed for task work and may draw members from the full ESSIM Forum and beyond.

The **ESSIM Planning Office** is housed within the Oceans and Coastal Management Division of DFO. Its role is to provide leadership and expertise in planning, coordination and support for the process, and liaison with stakeholders and external agencies and processes. It should evolve with the ESSIM collaborative planning structure. A core of DFO resources should be augmented by support from other federal government departments, and eventually other governments and stakeholders.

The following diagram shows the relationships of the various parts of the ESSIM Collaborative Planning Model to the flow of the planning process.

ESSIM Collaborative Planning Model
Planning Office Develop Initial Draft Plan
ESSIM Forum Workshop Review
Stakeholder Roundtable Dialogue
Plan Approval *Oceans Act*
Stakeholder Input
Community Workshops Info/Feedback
Public Consultation/ Stakeholder Internal Review
Sector Agreement/ Endorsement By Decision-Making Authorities
Monitor, Evaluate, Learn, Revise
Note: The draft Plan is revised as necessary following each step in the process. Absence of sector agreement, or lack of endorsement by all mandated government departments and agencies may result in a continuation of dialogue at the Stakeholder Roundtable. Return arrow indicates periodic updating and renewal.

ESSIM Government Sector Structure

The ESSIM Government Sector Structure is an institutional governance mechanism that intersects and works within the ESSIM Collaborative Planning Model. As mentioned in the introduction, *Canada's Oceans Strategy* describes a three-part regime for oceans governance, of which IM planning is one element. Another element is development of institutional arrangements to ensure cooperation and collaboration among all levels of government. The Government Sector Structure has two components: a Federal-Provincial ESSIM Working Group and a Regional Committee on Ocean Management (RCOM.) The RCOM mandate is regional and thus broader than the ESSIM area.

The **Federal-Provincial ESSIM Working Group** is composed of representatives of all levels of government that have some regulatory responsibility and policy or program interest in the ESSIM area. At present the working group has approximately 20 member departments and agencies. It is a place for information sharing and discussion of issues among government representatives and provides operational level support for the ESSIM Initiative. It must have the ability to work effectively on horizontal issues.[1] The Federal-Provincial ESSIM Working Group has been active since January 2001. It is one of a number of sectoral coordination/liaison groups that will support and facilitate full sectoral participation and representation in the ESSIM process.

[1] "Horizontal" or "crosscutting" issues are those for which authority, responsibility and accountability are shared among a number of departments or agencies. Because there is strong mutual interdependence, parties must work collaboratively.

The proposed **Regional Committee on Ocean Management** (RCOM) is the senior executive forum for federal and provincial departments and agencies with oceans-related program activities. It is a regional committee related to Federal Council. RCOM will provide coordinated decision making at the intergovernmental and interdepartmental levels; internal oversight, monitoring and performance assessment of integrated management and planning processes; and formal, executive-level government involvement in the development and implementation of plans for integrated management. Its members will be senior federal and provincial representatives and may include First Nations representatives pending the outcome of high-level tripartite discussions. It will be co-chaired by the Regional Director-General, DFO, Maritimes Region, and a Deputy Minister of the Province of Nova Scotia.

PRINCIPLES

The proposed principles that provide the foundation for the ESSIM Collaborative Planning Model include the following:

Jurisdiction
Existing legislative and regulatory mandates of all government departments and agencies are acknowledged and affirmed. The ESSIM initiative will seek to create an integrated framework by including all mandates and departments/agencies within the planning process. The plan must be consistent with the interests of responsible authorities. Government sector discussions will take place within a two-part structure. The Regional Committee on Ocean Management (RCOM) and the Federal-Provincial ESSIM Working Group must have the ability to work horizontally.[2]

Inclusion
The ESSIM Initiative will be as open as possible at all levels, given practical size limitations of the ESSIM Forum and the Stakeholder Roundtable. Full and effective participation of all sectors and interests will be essential. Where balance requires participation by a specific sector or stakeholder, but they feel that they cannot participate, the Planning Office will use a range of techniques for inclusion, and may play a liaison role.

Consensus
This is the preferred method for groups to make decisions or put forward recommendations. Consensus is achieved through stakeholder collaboration, which has been a fundamental principle of the ESSIM Initiative since it began in 1999. ESSIM should formally adopt interest-based negotiation (mutual gains bargaining)[3] as the foundation for dialogue with or without a facilitator. Group members will develop and use a specific protocol in situations where consensus cannot be reached.[4] Alternate means of moving forward must provide for timely resolution. Participants must work toward consensus in good faith. The process must be designed so that lack of consensus cannot be used as a tactic for delay. In the absence of consensus, the exercise of respective government departmental mandates will be used in decision-making processes.

Accountability
It is important in the ESSIM process that all who participate are clear about what they are supposed to do, and for whom. Accountability will go two ways. ESSIM participants are accountable to their constituents for specific results and to each other to define and achieve collective goals and objectives for the Initiative. Participants are also accountable to each other to ensure that their input is fully informed and reflective of constituents' views and interests.

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[2] See footnote 1.

[3] Participants discuss their interests (i.e., needs, concerns, what is important to them) instead of positions (i.e., their individual ideas for what constitutes a solution), seeking a "win-win" (non-zero sum) outcome. This approach, developed at the Harvard Negotiation Project, is commonly used to build consensus through dialogue among multiple stakeholders. See *Getting to Yes*, Roger Fisher and William Ury, 1981, Houghton Mills Company; and, *Building Consensus for a Sustainable Future: Guiding Principles*, National Round Table on Environment and Economy, 1993, Ottawa.

[4] Options may include: adjournment for further discussion; assignment to a subgroup to work on the issue; use of a neutral third party (mediator); or presentation of recommendations with dissenting views expressed.

Dispute Resolution
It is anticipated that it will be useful to have an agreed-upon, multi-level system for dispute resolution that can be used as necessary to assist parties to discuss differences in understandings and perspectives, styles, interests, values, and institutional structures and processes. This was recommended by participants at both ESSIM Forum Workshops, and is a common feature in multi-stakeholder processes. It should be used in conjunction with the consensus decision-making process rather than as a substitute for it.

Network
The ESSIM Initiative should continue to be based on a working-level network structure. Given the complexity of multiple mandates within the planning area, the network structure is most appropriate. While it provides opportunities for dialogue and consensus at several levels and among various configurations of participants, it affirms the authority and responsibility of existing organizational mandates. It places priority on building and maintaining relationships as well as achieving substantive results.

Evolution
Design for today's needs and capacity while keeping options open in the future – thus foreseeing evolving roles, responsibilities, structures, and processes. It is understood that initial discussions are based on the use of existing management structures.

Learn by Doing
After several years of preparation, ESSIM now has several working groups developing ecosystem and human use objectives for a pilot area. In addition, work is being done on the Gully Marine Protected Area (MPA) management plan and on a Corals Conservation Plan. ESSIM should formally adopt an adaptive approach that allows it to plan, act, learn, adapt and move forward through the use of a structured, disciplined approach to dialogue, as well as using the best available science.

THE ESSIM COLLABORATIVE PLANNING MODEL

This section provides details on the ESSIM Forum, Stakeholder Roundtable, and the Planning Office.

ESSIM Forum

Purpose:
To provide an inclusive assembly for all stakeholders to exchange information and provide feedback on draft documents and plans. The ESSIM Forum provides the broad vision and identifies priorities for the ESSIM Initiative. It may be asked to consider and provide ideas, opinions and advice on a range of topics of importance for development of the ESSIM plan.

Membership:
Open to all stakeholders and interested individuals. At present there are approximately 200 organizations, groups and individuals who receive Initiative updates. Attendance at each of the two ESSIM Forum Workshops has been in excess of 150. The ESSIM Online Forum has 130 registered participants.

Sectoral participation includes: government, coastal communities, fisheries, oil and gas, marine conservation, telecommunications, shipping, and academia. First Nations participation falls within the government sector as well as other sectors such as fisheries and coastal communities.

Leadership:
The ESSIM Forum does not have a formal leadership structure, such as a chair or co-chairs. Leadership will be provided by the Stakeholder Roundtable, with assistance from the Planning Office. Coordination and support are also provided by the ESSIM Planning Office.

Meetings:
Annual Forum meeting to review and discuss progress over the previous year and to provide input and guidance for the next year's Action Plan. Possible annual or semiannual local/community information and feedback workshops.

Decisions:
The ESSIM Forum is not a decision-making body.

Committees:
A representative committee is struck to guide and support planning for the annual ESSIM Forum Workshop.

ESSIM Stakeholder Roundtable

Purpose:
In cooperation with the Planning Office, the Stakeholder Roundtable will provide shared leadership and coordination for development and implementation of the Eastern Scotian Shelf Integrated Management Plan. This will include ongoing monitoring, evaluation and plan revision as necessary. The SRT will provide input into plan content and feedback on draft work done by the Planning Office. It will ultimately recommend a draft plan document for stakeholder acceptance, endorsement by decision-making authorities, and approval under the *Oceans Act*.

Membership:

Key criteria:	Balanced by sector and other criteria such as gender, age, and geography. Group size, capacity, commitment and history. Members represent or are representative of sectors or the public.
Size:	26 (± 2)
Options:	Use methods such as coalitions and selective or rotational participation to keep the group size at a manageable level. This may not be a problem, however, the need should be anticipated. Proposed representation is outlined in Appendix A. Proposed criteria and process are described in Appendix B. Members should be appointed for 2-year and 3-year staggered terms to ensure continuity.

Leadership:
Co-chairs – one from DFO (OCMD Manager); the other will be chosen by the group, and can rotate on an annual basis. Co-chairs may need additional representation at the table for their respective organizations.

Co-chairs should have the ability to be neutral when dealing with issues among multiple sectors or parties, have the confidence and respect of the members, manage an agenda, resolve conflict and move a diverse group toward consensus.

Meetings:
Quarterly at a minimum. Working groups may meet more frequently, as necessary.

Decisions:
Decisions regarding the IM plan and planning process will be made by consensus *when possible*. Consensus means unanimous agreement of the Roundtable. Stating that a member can "live with" a result will constitute agreement. Interest-based negotiation (mutual gains) will be the preferred format for dialogue.[5]

The Roundtable will develop its own protocols for working through situations in which consensus is difficult to reach, or where conflict needs to be resolved.[6]

Routine administrative decisions will be made by consensus or when time or other factors interfere will be made by majority vote. In the absence of consensus, or in specific

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[5] See footnote 3.
[6] See footnote 4.

circumstances, federal and provincial government departments and agencies will exercise their legislated mandates as necessary.

Sub-Groups:
The Roundtable may form task groups to carry out specific assignments. It may increase efficiency to have a small group (or the co-chairs) oversee Roundtable administration with the Planning Office to avoid having administrative matters take up agenda time at regular meetings. Other subgroups may be useful for specific purposes and the Roundtable should have discretion to establish them.

Facilitation:
A facilitator will be made available to provide support to the Roundtable. The facilitator will be content neutral and will assist the group in conducting dialogue and reaching consensus.

Links to other groups:
The Roundtable should stay current on the activities of other ESSIM area initiatives such as the Corals Working Group, the Gully Advisory Committee, the Scotia-Fundy Fishing Industry Roundtable, the Canadian Marine Advisory Council (CMAC), and the Regional Committee on Ocean Management (RCOM) etc.

Option:
The ESSIM Stakeholder Roundtable could be formally designated as a ministerial advisory body pursuant to Section 32 of the *Oceans Act*. "For the purpose of the implementation of integrated management plans, the Minister may ...

i) establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies; and

ii) recognize established advisory or management bodies." (Section 32(c))

Or, the SRT could receive initial recognition from the Regional Director-General of DFO, with consideration given at a later date to formal designation as a ministerial advisory body.

Proposed Responsibilities:
1. Provide shared leadership and coordination for development and implementation of the Integrated Management Plan for the Eastern Scotian Shelf, in cooperation with the Planning Office.
2. Finalize Terms of Reference, and develop ground rules and protocols to support and guide the work of the group.
3. Develop sub-committees or working groups as needed.
4. Engage in multi-stakeholder dialogue, conflict resolution and consensus-building.
5. Provide input into the planning process and feedback on work done by the Planning Office.
6. Liaise with parallel sector structures, including the Federal-Provincial ESSIM Working Group as necessary.
7. Collaborate with the Planning Office to bring forward the draft plan for acceptance by stakeholders, endorsement by decision-making authorities, and approval under the *Oceans Act*.
8. Carry out ongoing monitoring and evaluation of the plan, and collaborate on future revisions as necessary.

ESSIM Planning Office

Purpose:
Provide shared leadership and coordination for development and implementation of an Integrated Management Plan for the Eastern Scotian Shelf, in cooperation with the ESSIM Stakeholder Roundtable; provide expertise in plan development; provide coordination and support for the ESSIM Forum and the Stakeholder Roundtable; provide resources for conflict resolution if necessary; liaise with other regional, national and international processes; provide coordination and support for the Federal-Provincial ESSIM Working Group.

Details:
The Planning Office will be housed within the OCMD of DFO for the foreseeable future and should evolve with the ESSIM collaborative planning model. A core of DFO resources should be augmented by resources from other federal government departments, and eventually other governments and stakeholders. Secondments and internships should be encouraged.[7]

Resourcing should be commensurate with the workload. The budget should be sufficient to support group member travel for meetings, logistics for all meetings, communication, travel of Planning Office staff and other normal overhead and operational costs. It is anticipated that one full-time position may be needed solely for coordination within DFO.

While supporting the group infrastructure, the Planning Office has the responsibility to ensure that all sectors and stakeholders have input into discussions at the appropriate level, and that a range of engagement mechanisms is available to those who are unable for whatever reason to participate in group processes.

[7] This can facilitate "in-kind" contributions and increase the extent to which the operations of the Planning Office can be shared among partners.

THE GOVERNMENT SECTOR STRUCTURE

The Government Sector Structure consists of the Federal-Provincial ESSIM Working Group and the Regional Committee on Ocean Management (RCOM).

Federal-Provincial ESSIM Working Group

Purpose:
Provide an intergovernmental forum to focus on policy, management, operations and regulatory coordination for the ESSIM area. The Federal-Provincial ESSIM Working Group will build government support and cohesion for the ESSIM Initiative and carry out work in support of and as directed by RCOM. The working group was established in January 2001.

Membership:
Representatives of over 20 ocean-related federal and provincial departments, agencies and boards.

Leadership:
Leadership and support are provided by OCMD, DFO Maritimes Region.

Meetings:
As necessary, approximately 4 times per year.

Decisions:
The group makes decisions by consensus; however, decisions are non-binding on departments, agencies or boards.

Committees:
Potential for use of committees, but there are none to date.

Activities:

- review ESSIM discussion papers and reports;
- identification, definition and prioritization of ocean management issues and requirements;
- completion of a federal-provincial regulatory overview for the Management Area;
- provide advice on the design of a collaborative management and planning process;
- support the development of a draft integrated ocean management plan; and
- implementation of a communication and engagement strategy for the Initiative, including planning for the annual ESSIM Forum Workshop.

Regional Committee on Ocean Management (RCOM)

Purpose:
RCOM is proposed as the senior executive forum for federal and provincial departments and agencies with oceans-related program activities. RCOM will provide coordinated decision making at the intergovernmental and interdepartmental levels on planning, management and regulatory matters for integrated management and planning processes within the Maritimes Region; internal oversight, monitoring and performance assessment of integrated management and planning processes; and, formal and executive-level government involvement in the development and implementation of plans in integrated management and planning processes.

The Regional Committee on Ocean Management will be a body of decision-makers, each with mandated decision-making powers at the zonal/regional level. RCOM will provide advice and recommendations to mandated decision-making processes to be implemented via the relevant government departments, agencies and boards.

Geographic Focus:
Integrated ocean and coastal management and planning processes within the Maritimes Region. The geographic focus may be broadened to consider management and planning processes with extra-regional links to New Brunswick, Newfoundland and Prince Edward Island.

Membership:
Senior federal (Regional Director-General level) and provincial (Deputy Minister-level) representatives of government departments and agencies. Senior representatives of First Nations organizations (e.g., Atlantic Policy Congress) may be invited to become RCOM members.

Leadership:
Co-chairs: Regional Director-General, DFO Maritimes Region, and a Deputy Minister of the Province of Nova Scotia.

Meetings:
Semi-annually.

Decisions:
RCOM makes decisions by consensus. Recommendations are non-binding on departments, agencies and boards.

Proposed Responsibilities:
1. Represent the federal and provincial governments and First Nations at the executive level in integrated ocean and coastal management processes.
2. Provide direction to operational-level government committees for integrated ocean and coastal management processes throughout the region, e.g., the Federal-Provincial ESSIM Working Group, an intergovernmental operational committee.
3. Serve in an advisory capacity to the federal and provincial Ministerial level through existing government line mechanisms.
4. Strive to reach consensus while representing departmental/organizational mandates and considering the range of opinion.
5. Review and comment on integrated ocean and coastal management plans, policy papers, and initiatives of multi-stakeholder planning groups and the ESSIM Planning Office.

6. Provide coordination and harmonization of regulatory approaches, policies and programs across government with respect to integrated management and planning processes for Coastal Management Areas and Large Ocean Management Areas.
7. Monitor and review government planning, policy coordination and program implementation across government with respect to management areas within the Maritimes Region, including the Eastern Scotian Shelf.
8. Develop and implement information-sharing mechanisms among departments and agencies to support initiatives led by one or more departments and agencies represented on the Regional Committee on Ocean Management.
9. Endorse the ESSIM Plan when recommended by the Federal-Provincial ESSIM Working Group and the Stakeholder Roundtable.

ESSIM COLLABORATIVE PLANNING CHALLENGES

A number of challenges will require ongoing attention in the design and implementation of the ESSIM collaborative planning model. These include the following:

Ensuring full and effective representation and participation
Inclusion is a fundamental principle of the ESSIM process and one that will require constant vigilance. Some sectors or organizations may not have the capacity to become involved in a complex and demanding process. Others may have limited capacity to engage a committed representative, or simply may not be willing to give it a high priority. The Planning Office will need to be prepared to provide direct and/or individualized opportunities for engagement to ensure inclusion of the views, interests, knowledge and concerns of all sectors.

Working with diversity
All multi-stakeholder processes involve working with a number of different aspects of diversity. Recognizing, appreciating and managing diversity is an integral part of each process. In addition to sector and interest, aspects of diversity can include language, culture, age, gender, knowledge and experience, capacity, and commitment.

Horizontal coordination among multiple jurisdictions
The capacity and commitment of the government sector groups (i.e., Federal-Provincial ESSIM Working Group and RCOM) will be critical because much of the complexity associated with ESSIM relates to government mandates, legislation, regulation and policy. The Federal-Provincial ESSIM Working Group was established in January 2001 and RCOM is in the process of being formed. Although ESSIM affirms the primacy of individual jurisdictional mandates, it is intended that the parties seek consensus on integrated and collaborative outcomes.

Links with existing processes
There are a number of group processes that relate to the ESSIM area, and it will be important that effective links be established. Other processes include the Gully Marine Protected Area Advisory Committee, Coral Conservation Plan, and Scotia-Fundy Fisheries Round Table.

Physical boundaries
The boundaries of the ESSIM area are based on both ecological and political considerations. The optimal location for planning area boundaries continues to be a topic of discussion. Over the next few years there is a possibility that the area may expand to include the Scotian Shelf between the Laurentian and Northeast Channels. If the decision is made to alter the present boundaries, the Planning Office will need to develop a consultation plan specifically to engage stakeholders who will be involved as the boundaries are expanded. Should a boundary change occur, the SRT and perhaps the ESSIM Forum should have input into how this is done, as they may be advocates for the process with the new stakeholders.

Capacity and resources of the ESSIM Planning Office
The effectiveness of the ESSIM Planning Office in coordinating the ESSIM process and drafting the ESSIM plan will be dependent upon resourcing. The government sector process will require a significant amount of time and effort. The Planning Office may also be asked to provide support to other sector processes or coalition-building activities.

CONCLUSION

This discussion paper has set out a proposed ESSIM Collaborative Planning Model for leading, planning and implementing the ESSIM Initiative, and a Government Sector Structure to ensure alignment among government departments and agencies. The proposal incorporates elements of the Initiative that have been working well so far (i.e., the ESSIM Forum, the Federal-Provincial ESSIM Working Group, and the Planning Office), with suggested additions to meet functional needs (i.e., the Stakeholder Roundtable and RCOM).

The intent of this paper is to propose a comprehensive and cohesive framework that is functionally rational, effective and efficient. It is also our intent that it is consistent with key foundation documents – the *Oceans Act*, *Canada's Oceans Strategy*, and DFO's *Policy and Operational Framework for Integrated Management*.

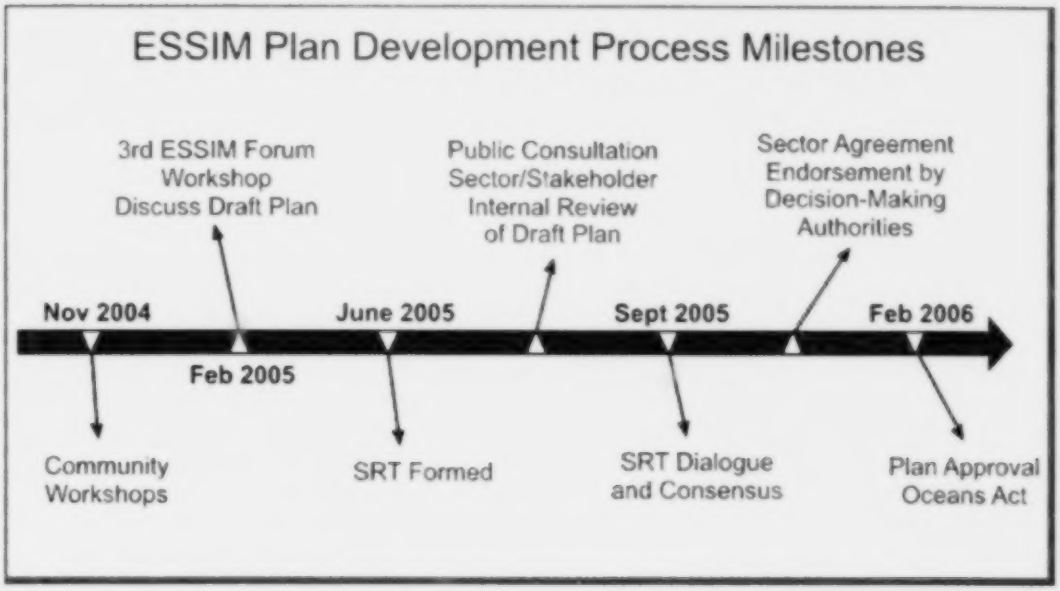
THE PATH FORWARD

Over the next few months the Planning Office will be preparing a draft plan for the ESSIM area. In November 2004, community workshops will be held to review elements of the draft plan, including the Collaborative Planning Model. The 3rd ESSIM Forum Workshop is tentatively scheduled for February 2005. It will provide an opportunity for ESSIM stakeholders to discuss the draft plan and have more in-depth discussion on specific elements and challenges.

Following consideration and revisions based on the input received at the 3rd ESSIM Forum Workshop, the draft plan will be available for further public and stakeholder consultation. If the Collaborative Planning Model receives support at the 3rd ESSIM Forum Workshop, the Stakeholder Roundtable will be established with the intent to have its first meeting in June 2005.

The draft plan will be considered by the Stakeholder Roundtable in September 2005, and if consensus is reached it will be recommended for sector agreement and endorsement by government decision-making authorities. An internal government review process will take place during the Fall and early Winter of 2006, with the intent to have the draft plan approved under the *Oceans Act* and released at the 4th ESSIM Forum Workshop in February 2006.

The key process milestones are shown in the diagram on page 19.


ESSIM Plan Development Process Milestones
3rd ESSIM Forum Workshop Discuss Draft Plan
Public Consultation Sector/Stakeholder Internal Review of Draft Plan
Sector Agreement Endorsement by Decision-Making Authorities
Nov 2004
Feb 2005
June 2005
Sept 2005
Feb 2006
Community Workshops
SRT Formed
SRT Dialogue and Consensus
Plan Approval Oceans Act

APPENDIX A

PROPOSED MEMBERSHIP FOR THE ESSIM STAKEHOLDER ROUNDTABLE

Government of Canada	3 members
Government of Nova Scotia	3 members
Government of Newfoundland & Labrador	1 member
Offshore Petroleum Boards	1 or 2 members
Municipal Government	1 or 2 members
First Nations	1 or 2 members
Fisheries	3 members
Oil and Gas	2 members
Conservation NGOs	2 members
Community NGOs	1 member
Academic/Research	2 members
Transportation	1 member
Telecommunications	1 member
Tourism	1 member
Citizens at Large	1 or 2 members (optional)
Total	**24 - 28 members**

APPENDIX B

PROPOSED STAKEHOLDER ROUNDTABLE MEMBERSHIP SELECTION CRITERIA AND PROCESS

The following criteria can serve as guidelines for sectors or others who are involved in nominating or selecting members/representatives for the Eastern Scotian Shelf Integrated Management (ESSIM) Stakeholder Roundtable (SRT). One or more criteria may be applicable, depending upon the specific situation.

Sector/interest:
Diversity and balance among sectors and interests has been a foundation of the ESSIM process, and will remain so; where possible representation/membership will take into account shared interests; coalitions may be encouraged.

Location:
Diversity in geographic representation will be important; representation will be sought from ESSIM stakeholder organizations with members/constituents in various parts of the province, region or beyond.

Degree of involvement:
Preference will be given to those organizations whose members are most involved or most likely to be involved in activities within the ESSIM area.

Representation:
Member organizations will represent a number of individuals whose interests or views are similar. The size of a constituency or general membership of an organization may be a factor in selection.

Internal communication:
A member organization's internal structures and processes should ensure that accurate and timely information flows from the SRT to the members/constituents of the participating organizations, and that representatives bring fully informed and supported views of their organizations' members. Mechanisms could include newsletters, Web site, meetings, etc.

Commitment:*
Willing and able to have a representative work cooperatively with others while taking part in meetings, and other SRT activities. Representatives must have time available for preparation, participation and liaison with constituents.

Respect:*
Organizations and individuals invited for membership will have a general standing or level of recognition and acceptance in their respective communities and within the broader ESSIM community.

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* These criteria should apply both to the organizations receiving the invitation and to the individuals who will sit at the table as their representatives.

Capacity and knowledge:*
Preference may be given to organizations or individuals that have a clear track record of respectful and productive multi-stakeholder process participation. The ability to engage in dialogue will be an asset, as will knowledge of the ESSIM area, process and issues.

Legal factors:
The process should include those with legislative/regulatory involvement or mandates, and stakeholders who have valid contracts, licenses, or other rights relating to the use of the ESSIM area.

History:
Previous or ongoing engagement in ESSIM and ESSIM-related activities (e.g., working group contribution, ESSIM Forum, Planning Committee, Corals, Gully, etc.) may be a factor in SRT membership selection.

These criteria should be clear, consistent, comprehensive, and rational. They will be used to explain to organizations why they are being invited, as well as to explain to some why they were not invited. Their statement and application will be a visible demonstration of the "open and transparent" nature of the ESSIM process.

Selection of SRT Members

In multi-stakeholder consensus processes there are three ways in which participants are nominated and/or selected for advisory groups or other structures for which membership is limited and representative. Those methods are as follows:

1. Identification and nomination/selection by the responsible government department or agency;
2. Nomination/selection by sectors or stakeholder group coalitions or caucuses; and
3. Selection by a neutral third party or parties.

It is recommended that the membership for the ESSIM Stakeholder Roundtable be determined through internal sector caucus and discussion.

Each sector will be asked to meet as a caucus and discuss their representation on the Stakeholder Roundtable. The sector will jointly put forward the name(s) of the organization(s) or individual(s) who will represent the sector on the Stakeholder Roundtable.

Sector caucuses may be assisted by neutral facilitators provided by the Planning Office.

Sector caucuses will be asked to consider and use the proposed selection criteria guidelines when choosing their representatives, and be prepared to provide a rationale for their decisions.

The proposed number of representatives for each sector was developed with primary consideration given to the relative size of the sector, its complexity and the economic, social, environmental and legislative links to the ESSIM area. This will be discussed with stakeholders as part of the consultation on the Collaborative Planning Model, and later as part of the consultation on the draft plan.

Nomination of citizens at large may be done by DFO in consultation with the ESSIM sectors and, if possible, the ESSIM Forum.